

NEWSLETTER

Colorado State University Chapter

American Association of University Professors (AAUP)

Academic Freedom for a Free Society

Fall 2014

Join the AAUP

Joining the AAUP says that you're concerned about academic freedom, and about the way that basic freedom protects your teaching and research.

It says that participating in faculty governance is important to you, and that you are concerned about career issues, tenure, and the overuse of contingent faculty.

By joining, faculty members, academic professionals, and graduate students help to shape the future of our profession and proclaim their dedication to the education community.

In addition, there are many practical benefits--discounts, insurance programs, financial incentives--available to AAUP members. Join your colleagues today to promote and protect your profession.

Go to the AAUP website and you can join online using their secure electronic form.

At CSU you can contact the following AAUP members for more information

Bill Timpson

William.Timpson@colostate.edu
491-7630

Ross McConnell

Ross.McConnell@colostate.edu

Universities Adrift?

Student Success and Academic Rigor

William M. Timpson

With a renewed emphasis on student engagement, success, and retention here and on many other campuses comes the inevitable question of how. Improved instruction? More student-centered approaches that feature experiential, active and interactive learning. Do we need smaller classes? A greater commitment to professional development? For faculty, do we need a rebalancing of pressures for research, publications, and grants? Or are the answers in more and better technology in classrooms? On campus? Or is it better advising? Better recruiting? More financial aid? Or some mix of all of the above?

Given these questions, can we find answers and ways forward in research completed across colleges and universities, in the U.S. and overseas? For example, in their widely read 2011 book, *Academically Adrift*, Arum and Roksa insist that in pursuit of these answers we may run real risks of sacrificing academic quality.

They point to an apparent decline in critical thinking, complex reasoning, and written communication as measured by the Collegiate Learning Assessment (CLA). These sociologists had joined an "existing longitudinal study of several dozen colleges and universities that ... documented the limited learning and lack of academic rigor that large numbers of students experienced during their first two years of college" (Arum & Roksa, 2014, 21).

491-7524

Steve Mumme

Stephen.Mumme@colostate.EDU

491-7428

Ray Hogler

Ray.Hogler@business.colostate.edu

491-5221

Sue Doe

Sue.Doe@colostate.edu

491-6839

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On Retaliation

Steve Mumme

On May 6, 2014, at the last Faculty Council meeting of the 2013-2014 academic year, voting members of Faculty Council found themselves at loggerheads with the Provost and Office of General Counsel over reforms to Section K's grievance procedures. At issue was the question of "retaliation", specifically whether CORSAF's recommended inclusion of the term "retaliatory" should be included in Section K' list of grievable actions in the Faculty Manual.

Provost Rick Miranda, citing OGC objections, argued that "retaliatory" was not defined and thus remained an ambiguous and legally complicating concept warranting exclusion from the list of grievable actions covered by Section K. Various members of Faculty Council noted that OGC had originally approved the listing and that its views and those of faculty might very well differ and that protection against retaliation should be available to faculty and administrative professionals.

When Faculty Council voted to approve CORSAF's recommended amendments to Section K over the Provost's objections, the measure was sent to President Tony Frank for final approval before submittal to the Board of Governors. Echoing the Provost, Frank expressed concerns and in a rare rebuke to Faculty Council decided to pocket the measure.

In their newest book, *Aspiring Adults Adrift*, Arum and Roksa tracked "more than 1,600 students through their senior year at twenty-five diverse four-year colleges and universities, and then approximately one thousand college graduates from their sample for two years following their graduation in the Spring of 2009" (5).

They conclude that as a cohort, "the individuals in our study enrolled in four-year colleges and universities at a particular time in US history, one in which they faced high tuition, heavy debt loads, and relative institutional inattention to academic learning (as opposed to social engagement and personal development): a historic period when US colleges and universities as a whole, and many of the students enrolled in them, were academically adrift" (6).

Pressures to support student development and socialization seem to have trumped academic rigor. Faculty members everywhere were under pressure to rethink their expectations in the face of declining student investment in time for studying, in particular.

To support their arguments, Arum and Roksa (2014) point to data from the thirty year period between 1975 and 2005 when student-faculty ratios of 15:1 or 16:1 were roughly constant while student-administrator ratios changed from 84:1 to 68:1 and student-professional staff ratios from 50:1 to 21:1. More importantly, they argue, "educators have increasingly ceded their authority to students, and administrators have shifted institutional emphasis from students' academic and moral development to personal growth and well-being" (8).

As further evidence of this shift of priorities, Arum and Roksa cite a large study on the University of California system by Brint and Cantwell (2010) for the *Teachers College*

At issue here is whether faculty should have protection against administrative retaliation for acts that range beyond retaliation for whistleblowing aimed at exposing violation of federal EEOC antidiscrimination measures that protect disclosure of racially-based and status discrimination and sexual harassment.

Colorado State University and every other institution of higher learning in America must comply with these basic proscriptions against whistleblower retaliation. At CSU, however, the term “retaliation” remained undefined until CORSAF/Faculty Council took it up in the 2013/2014 academic year, even though it was mentioned in the Manual at least four times. Most notably, it was mentioned in Section E.15 a behavior that could justify formal disciplinary action against a faculty member.

The following language appears in the *Manual* as a ground of discipline against tenured faculty at CSU (emphasis added):

The procedures set forth in this section of the Manual govern disciplinary action for tenured faculty members, including revocation of tenure and termination of appointment. These actions may occur in connection with either behavior or performance of professional duties.

Behavior of the Tenured Faculty Member that (1) presents significant risk to the safety or security of members of the University community (e.g., violence) and/or (2) represents a serious violation of ethics (see Section D.9) and/or University policy (including, but not limited to, unlawful discrimination, research misconduct, harassment, *retaliation*, or misappropriation of funds).

Record. Arum and Roksa note that while students on average spent thirteen hours a week studying, they spent more than three times that amount on recreation—12 hours socializing with friends, eleven hours using computers for fun, six hours watching television, six hours exercising, five hours on hobbies, and three hours on other forms of entertainment.

Citing a series of studies by the National Survey of Student Engagement (NSSE) which has surveyed more than two million students over the past ten years at more than one thousand colleges and universities, Arum and Roksa (2014) report that these data also reveal “limited levels of academic engagement even among seniors” (34).

Moreover, looking more deeply at college and university personnel hires shows a parallel shift in hiring decisions? “Higher education is also a business that has increasingly become characterized by the growth of administration and a marginalization of faculty” (7).

As one explanation, Arum and Roksa note that several critics of higher education see an organizational sector whose failings are a function of the “creep of corporatization into academia’s once-hallowed halls...(changes that have led) to a decline in the role of faculty relative to school administration, and a corresponding marginalization of academic pursuits and student learning” (6).

In another but parallel look at student learning and school culture, but this one for K-12, journalist Amanda Ripley (2013) followed three American teenagers who participated in study abroad programs in Finland, South Korea and Poland, three countries where academic achievement was much higher than in the US according to the widely used PISA (Program for International

<p>The policy approved by Faculty Council on May 8 does provide a definition of retaliation in its amendments to Appendix I in the Manual dealing with discrimination and sexual harassment. It states, “Retaliation is an overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment, against any person or group for exercising rights under this policy, including opposing any practices forbidden under this policy . . .”</p> <p>This definition appears to narrowly tie retaliation protection to the EEOC domain. This apparent restriction, however, does not seem to solve the problem of the reference to retaliation in Section E. Nor does it address the question of whether retaliation should be a protection extended to faculty in Section K.</p> <p>Whether retaliation protection should be more extensive is an important emerging issue for the AAUP. The practice of academic freedom and shared governance within institutions of higher learning has always harbored potential for faculty disagreement with administrative decisions and decision-makers. Differences such as these and others may provoke administrative retaliation against faculty.</p> <p>Where this is clearly documentable it seems plain enough there should be a remedy. The AAUP’s highly respected Red Book statement On the Relationship of Faculty Governance to Academic Freedom notes that decisions on matters of shared governance and academic freedom should be in the hands of faculty members [think Faculty Council] because, “to the extent that decisions on such matters are not in the hands of the faculty, <i>there is the potential for, and sometimes the actuality of, administrative imposition of penalties on improper grounds</i>” [emphasis added].</p> <p>It is interesting that at least some universities are moving in this direction. In its most recent revision, Columbia University, one of the</p>	<p>Student Assessment) exam.</p> <p>In 2000 the PISA was taken by over 300,000 teenagers in forty-three countries with subsequent testings in 2003, 2006, 2009, and 2012. Finland scored at the top with South Korea close behind, Poland high up but the U.S. far down the list.</p> <p>Ripley also surveyed hundreds of other exchange students about their experiences in the U.S. and abroad. What emerges is an intimate picture of student learning and school cultures across international boundaries that reinforces what Arum and Roksa (2014) were reporting in higher education, a significant shortfall in academic rigor.</p> <p>“In 2009, U.S. teenagers ranked twenty-sixth on the PISA math test, seventeenth in science, and twelfth in reading. We ranked second in the world in just one thing, spending per pupil” (24) and that was highly unequal with some wealthy suburbs in the U.S. spending ten times per pupil what Darling-Hammond (2010) insists that poor districts could afford to spend.</p> <p>While the calls for increased attention to student engagement, success and retention are important in and of themselves, we cannot sacrifice academic expectations along the way. We can and should invest in professional development for everyone who teaches—tenure track faculty, non-tenure track faculty, and graduate teaching assistants. We can also commit to rethinking our priorities and ensure that effective and innovative instruction is encouraged supported and rewarded for everyone who teaches.</p> <p>References</p> <p>Arum, Richard and Josipa Roksa (2011)</p>
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country's most respected universities, states, "Columbia expects members of the university community to inform the appropriate parties if they have observed unethical, illegal or suspicious activity." The focus here emphasizes whistleblowing that would certainly apply to EEOC protections but opens the door to other forms of unethical behavior that may be construed as retaliatory in nature.

Should faculty have protection against retaliatory administrative actions that are clearly documentable and expressed as a pattern of retributive behavior? The AAUP national body has not yet taken an official position on the question but its principles suggest that such protection advances shared governance and academic freedom As AAUPers at Colorado State University we should applaud our Faculty Council for taking up this important question and standing up for faculty rights.

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Why CSU Faculty Need a Real Grievance Procedure – and How to Get One

Ray Hogler

As Steve Mumme's report on CORSAF makes clear, administrators at this university have no compunction about overruling faculty interests when the legal office refuses to endorse a proposal. The usual course of action for dealing with controversial issues that involve a possible derogation of administrative power is to refer it to the Office of General Counsel, where it will be met with indifference and incompetence.

To take one recent example, AAUP suggested a simple procedure for balancing the rights of gun owners to carry weapons on campus and the rights of university employees to enjoy a safe and secure work environment by requesting that the university compile a list of persons with concealed carry permits and publish the information on a website accessible by EID credentials.

Academically adrift: Limited learning on college campuses. Chicago, IL: University of Chicago Press.

Arum, Richard and Josipa Roksa (2014) *Aspiring adults adrift: Tentative Transitions of College Graduates.* Chicago, IL: University of Chicago Press.

Darling-Hammond, L. (2010) *The Flat World and Education: How America's Commitment to Equity Will Determine Our Future.* New York: Teachers College Press.

Ripley, Amanda (2013) *The smartest kids in the world.* New York, NY: Simon & Schuster.

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Colorado Conference Update

Steve Mumme

Shared Governance Conference. The Colorado Conference sponsored a one-day conference on the theme "Shared Governance" held September 5th on the Fort Lewis College campus in Durango with former AAUP General Secretary Gary Rhoades as the keynote speaker. The day-long conference was well represented with delegates from CSU, CSU-Pueblo, Front Range CC, Colorado Mesa, UNC, and Metro State in attendance and additional representation from Santa Fe Community College in New Mexico.

- The meeting was supported with a grant from AAUP's Association of State Conferences (ASC). Excerpts and discussion are available on the state conference website: aupcolorado.org.

New Chapters in Colorado. The Colorado

The suggestion was sent to legal, and one of the attorneys responded that such a process would violate Colorado statutes. The response made clear that the lawyer didn't even bother to read the statute, which states clearly that law enforcement agencies cannot compile those lists. CSU, of course, is not a law enforcement agency and is not subject to the restriction. We subsequently sent our proposal to the Faculty Council Executive Committee, which declined to take it forward. Given the response from legal, Exec might well have concluded that trying to implement the proposal was a waste of time.

Consequently, faculty and employees are forced to work in an environment where students and fellow employees may be armed with deadly weapons. Private educational institutions and companies typically have policies absolutely forbidding guns on the premises; we can't have the same protections.

When issues arise that involve a broad group of workers, like guns and personal safety, the Section K procedures are virtually useless.

AAUP has been working to implement a better and more effective system based on arbitration rather than the dilatory, toothless procedure embedded in Section K. In 2008, AAUP proposed to implement a procedure under which employees could have complaints adjudicated by an outside third party through arbitration. This is the dispute resolution technique used in unionized workplaces, and it has functioned well for sixty years. It is increasingly used by nonunion employers such as Frito Lay, Anheuser-Busch, Halliburton, and many others.

Further, most large corporations use arbitration as a means of resolving disputes with consumers. Read your car insurance policy carefully, and you'll see an arbitration clause. If it's good enough for corporate America, why isn't it good enough for CSU?

Conference continues to add new chapters. The latest addition is a newly formed chapter at the Community College of Denver whose charter was recognized by the AAUP in October. This comes on the heels of a newly formed chapter at Metropolitan State University of Denver last spring and the formation of the Fort Lewis College chapter a year ago—and now the largest paid dues chapter in Colorado.

Community College Equal Pay Initiative. The state conference is redoubling efforts to improve the working conditions of adjunct faculty at state community colleges. The AAUP CC team is working with local state legislators on new legislative proposals and recently published a new *Colorado Community College Faculty Bill of Rights* that has garnered national attention—see conference website: aaupcolorado.org.

AAUP community college representatives continue to broaden awareness of the woeful working conditions of CC adjuncts, most recently organizing advocacy tables for national Faculty Equity Week at Front Range and Red Rocks CC. Check out the fabulous new organizing tool, *The Adjunct Cookbook*, available from Front Range CC AAUP for \$3.50.

Colorado Faculty win national AAUP Awards and Appointments. The Colorado Conference continues to amaze. Former Co-President Dean Saitta from the University of Denver is the winner of this year's *Tacey Award* from the ASC, awarded for distinguish service to a state conference.

Caprice Lawless, the fearless leader of our Front Range Community College chapter, is the winner of the AAUP's *Al Sumberg*

The real threat of a grievance procedure is that it doesn't allow administrators, including the university president, to make unilateral decisions. An arbitration decision is final and binding and enforceable in court. So, for example, if a departmental committee awarded tenure and promotion to a faculty member and an administrator overturned the decision, the matter could be taken to arbitration. If the faculty member won the case, the university would have to comply.

Arbitration is cheaper and faster than going to court. Because the process is contractual, the parties can negotiate such matters as who will hear the case, how much each side contributes to the costs, and any issues of representation. For example, if the university chose to use the taxpayer and student-funded attorneys in legal to handle the case, the contract could provide for payment of any attorney fees to the grievant.

Of course, the chances are slim to none that administrators would accept an arbitration procedure even if CORSAF and faculty council passed it. In that event, a group of employees such as AAUP members, could appeal the case to the Colorado Department of Labor. Under our statutes, the Department has the obligation to investigate the dispute and issue a proposed resolution. If either party rejects the proposed settlement, employees have a legally-protected right to strike.

This is a fairly abstruse legal principle, but if you look at the annotations to Colorado Revised Statutes Section 8-1-125, you'll find an article that I wrote cited as the main authority for interpreting the law. I believe we do have a legal right to engage in a work action, and if administrators tried to fire anyone, they'd spend the next two years in court. Wasting money on lawsuits is nothing new, but the public attention might persuade administrators to give employees some power in the relationship rather than reserving their ultimate

Award, given for effective lobbying on behalf of AAUP causes.

Colorado Conference leaders have also been selected to serve on national AAUP committees including Don Eron (continuing on Committee A), Caprice Lawless (Committee on Community Colleges), Suzanne Hudson (Committee on Contingency and the Profession), and Steve Shulman (Committee on Research).

Randy Fischer Friend of Higher Education Award to Sen. John Kefalas (Senate Dist. 14). The Colorado Conference in July bestowed its newly renamed in honor of Rep. Randy Fischer, *Friend of Higher Education Award*, on Sen. John Kefalas in recognition of his many efforts on AAUP's behalf, most recently as co-sponsor of the *Community College Pay Equity* bill (HB-14-1154) on equal treatment for community college adjunct professors.

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What's worse than having to learn yet another LMS like Canvas? Secretly spending a million dollars to join a consortium for on-line learning with no faculty input.

Mary Van Buren

Most faculty have probably heard that CSU is adopting Canvas as its new learning management system that will completely replace Blackboard by fall of 2015. What they may not know is the reason for this change. In June of 2014 CSU became a founding member of Unizin, a consortium of universities that includes the University of Indiana, the University of Florida, and the University of Michigan, as well as others that have joined more recently.

The immediate benefit was the ability to

prerogative to disregard anything they don't like.

If you'd like more information about the points contained in this article, please contact me at Raymond.hogler@colostate.edu and I'll send you the materials. It's my opinion that we have avenues open to us to take action in the matter of grievances. It's clear to me that administrators have no intention of making faculty governance a relationship of shared power.

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Faculty Newsletter

November 2014

**The Committee on Non-Tenure-Track Faculty
(CoNTTF):**

**A Specialized Standing Committee of Faculty
Council**

Jennifer Aberle, College of Health and Human Sciences

Natalie Barnes, Representative At-Large

Joseph DiVerdi, College of Natural Sciences

Torsten Eckstein, College of Veterinary Medicine & Biomedical Sciences

David Greene, Regular Faculty Representative

Lori Kogan, Regular Faculty Representative

Jenny Morse, College of Business

Steven Schaeffer, College of Engineering

Laura Thomas, College of Liberal Arts

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What's in a Name?

Non-tenure-track? Yes, it is an awkward moniker that sounds clunky and seems to define us by what we are not. Currently, we use the term because it is the most accurate and inclusive descriptor we could find, and one that appears easiest for a variety of audiences to understand.

Although "adjunct" and "contingent" are widely used, both terms suggest temporary and/or

negotiate a lower yearly fee for the use of Canvas. The goals – and the potential costs – of the consortium, though, are considerably broader.

Unizin is higher ed's attempt to wrest control of digital learning technology from corporations by creating, in a sense, a buyer's club, but one that both purchases and produces digital systems. Not only will participating universities employ a common learning management system (Canvas), they will also shape and have access to a learning content repository (to store and share course content among participating institutions) and a learning analytics platform (to collect and analyze big data about learners).

However, in addition to the known costs, participation in Unizin raises questions about the implications for curriculum, program development, and faculty hiring that are difficult to address given the current lack of information about the consortium and its goals.

In terms of immediate costs, CSU is paying a million dollars to Unizin over three years on top of the yearly licensing fee for Canvas, which means that savings will be realized only after seven years. This investment by founding members will allow them to shape Unizin in order to meet specific institutional needs (Burns 2014), but precisely how these funds will be used is not clear.

In addition, of course, is the amount of time, effort, and money that will be required to make the transition from Blackboard to Canvas. Given the positive assessments of Canvas compared to other learning management systems, these costs might be worth it, and certainly control over the entire system could represent large savings for participating universities in the future.

nonessential employment. The facts at CSU, and indeed, around the nation, argue otherwise. In adopting its name, the Committee on Non-Tenure Track Faculty (CoNTTF) also recognizes the variety of official appointment types at CSU, which do not include “adjunct” or “contingent.”

To illustrate, a NTTF faculty member at CSU may hold any of these appointment types: temporary, special, or senior teaching faculty. What we have in common is that we are all faculty and we all work outside the tenure system. We have attached a chart of the different types of non-tenure-track faculty for your review and to assist with understanding the system at CSU for NTTF.

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News and Updates

At his Fall Address in Sept. 2013, CSU President, Dr. Tony Frank declared that “Colorado State is fortunate to have an exceptional cadre of adjunct faculty--highly qualified women and men who bring a wealth of insight and experience to our classrooms, and allow us to provide the courses and curriculum essential to meeting student demand. And they want what all of us want from our employers: some job security, decent pay and benefits, opportunities for advancement, and above all else, respect.” At that time, he charged Provost Dr. Rick Miranda and the CSU faculty “to take our focus on adjuncts to the next level and continue to make improvements in these core areas.”

CoNTTF has been working with the Provost and Faculty Council to enact improvements and assure that gains already made are available to all NTTF on campus. The areas that we are continuing to work on include the following:

- Compensation for Senior Teaching, Special, and Temporary faculty
- Implementing multi-year contracts (please see the Academic Faculty and Administrative Professional Manual for this option; sections E.2.1.3 and E.2.1.4)
- Facilitating the process for Senior

However, it is the potential for cutting costs by sharing “expertise” (faculty) with other universities, -- or generating revenue through an expansion of on-line courses or the creation of MOOCs – that raises questions. For instance, a CSU administrator suggested (as a hypothetical example) that CSU could provide Indiana University with engineering courses in exchange for foreign language classes (Feldstein 2014).

If this hypothetical case came to pass, what would it mean for CSU? Would student demand for classes in, say, Chinese or Arabic, be met by outsourcing them to Indiana instead of adding faculty positions on the CSU campus? Could entire programs be eliminated or enhanced as a result of a division of labor within the consortium? How would these decisions be made?

Brad Wheeler and James Hilton (Straumsheim 2014), founding co-chairs of Unizin have a powerful vision for Unizin, and end their rousing description of the consortium’s launch in the following way (emphasis mine):

“Unizin is a means to ensure that members of the Academy shape the future in ways that best serve the noble mission that is higher education. **It gives universities and their faculties a renewed, action-oriented, collective voice in this vital conversation.** It provides a means to reframe and focus our attention on independence, dependence, and intentional interdependence. It is a beginning.

Over the coming months and years, we look forward to working with faculty, students, staff, foundations, other universities, and all who treasure the power that education, in its many forms, has to transform lives.”

This sentiment was stated more modestly in a recent article in the CSU *Source* whose

Teaching Appointments

- Accessing and understanding benefits and human resources
- Enhancing and promoting professional development opportunities
- Increasing participation of NTTF in faculty governance at all levels
- Improving culture, climate, and working conditions

The items below include reports of the progress we are already seeing on some of these initiatives.

Human Resources and Benefits

Senior Teaching Appointments

All NTTF who meet the following criteria are eligible to convert from a Special Faculty Appointment to a Senior Teaching appoint and are encouraged to talk with their Department Heads about initiating the application process:

- a. The person has been employed at Colorado State University other than as a Graduate Assistant at least half-time (0.5) for at least ten (10) semesters (not including summers), and at least fifty (50) percent of his or her assignment was devoted to teaching and advising for each of those ten (10) semesters.
- b. The person has been employed at Colorado State University other than as a Graduate Assistant at least half-time (0.5) for each of the preceding four (4) semesters (not including summers), and at least fifty (50) percent of his or her assignment was devoted to teaching and advising for each of those four (4) semesters.

(See the Faculty and Administrative Professional Manual, Sec. E.2.1.3.)

author notes that the consortium is “intended to increase the influence of higher education institutions in the technology that students use to learn” (Nixon Sept 27, 2014), and on October 21, the Provost convened an unprecedented all-faculty meeting entitled “Faculty as Agents of Educational Transformation” to discuss Canvas and, to a much lesser extent, Unizin.

But will faculty really have a larger voice? Tight administrative control over decision-making and information about Unizin suggest not. The development of digital instructional technologies by universities gives them more institutional control over this infrastructure, and instructors will probably be offered a role in shaping specific pedagogical tools. In terms of the way this new system is deployed, however, the faculty voice will barely be audible if we continue to be excluded from the broader decision making process.

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